

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

L.W., by and through her parents and next friends,  
Samantha Williams and Brian Williams; SAMANTHA  
WILLIAMS; BRIAN WILLIAMS; JOHN DOE, by and  
through his parents and next friends, Jane Doe and  
James Doe; JANE DOE; JAMES DOE; RYAN ROE,  
by and through his parent and next friend, Rebecca Roe;  
REBECCA ROE; and SUSAN N. LACY, on behalf of  
herself and her patients,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

JONATHAN SKRMETTI, in his official capacity as the  
Tennessee Attorney General and Reporter;  
TENNESSEE DEPARTMENT OF HEALTH; RALPH  
ALVARADO, in his official capacity as the  
Commissioner of the Tennessee Department of Health;  
TENNESSEE BOARD OF MEDICAL EXAMINERS;  
MELANIE BLAKE, in her official capacity as the  
President of the Tennessee Board of Medical  
Examiners; STEPHEN LOYD, in his official capacity as  
Vice President of the Tennessee Board of Medical  
Examiners; RANDALL E. PEARSON, PHYLLIS E.  
MILLER, SAMANTHA MCLERRAN, KEITH G.  
ANDERSON, DEBORAH CHRISTIANSEN, JOHN  
W. HALE, JOHN J. MCGRAW, ROBERT ELLIS,  
JAMES DIAZ-BARRIGA, and JENNIFER CLAXTON,  
in their official capacities as members of the Tennessee  
Board of Medical Examiners; and LOGAN GRANT, in  
his official capacity as the Executive Director of the  
Tennessee Health Facilities Commission,

Defendants.

Case No.  
3:23-cv-00376

District Judge Richardson

Magistrate Judge Newbern

**PLAINTIFF-INTERVENOR UNITED STATES' MOTION TO EXTEND TIME TO FILE  
AND EXCEED PAGE LIMIT IN ITS REPLY IN SUPPORT OF ITS MOTION FOR A  
PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6.01, Plaintiff-Intervenor United States respectfully moves for a four-day extension of time—from June 8, 2023 to June 12, 2023—to file its reply in further support of its Motion for a Preliminary Injunction. ECF 111 (setting deadline for the United States' reply as seven days after service of Defendants' response); ECF 126 (granting Defendants' request to file their response by June 1, 2023). The United States also seeks leave to exceed five pages, for a total of ten pages, in its reply memorandum. These requests are for good cause, will not cause prejudice, and will not inappropriately delay proceedings.

The United States respectfully requests a limited four-day extension of time to submit its reply memorandum and for excess pages in order to fully address the issues raised in the United States' motion for preliminary injunction (ECF 40), Defendants' opposition to Private Plaintiffs' Motion for Preliminary Injunction filed on May 9, 2023, which exceeds over 1,000 pages with attachments (ECF 112-13), and additional briefing that is forthcoming. Specifically, Private Plaintiffs' reply memorandum in support of their motion for a preliminary injunction and Defendants' opposition to the United States' motion for preliminary injunction are both respectively due on June 1, 2023. ECF 118, 126.

The United States' request for a limited extension and excess pages for its reply memorandum is especially necessary since it will be the final opportunity to address the issues raised in the preliminary injunction motions. As the Court stated during the May 24, 2023 conference, there will not be oral argument concerning either of the preliminary injunction motions and any preliminary injunction hearing will be limited to specific issues regarding the Private Plaintiffs. *See* ECF 122. The United States' requested extension will not impact any

scheduled dates, including the June 5, 2023 date by which the Court will determine whether a preliminary injunction hearing will be necessary and the June 23, 2023 date designated for the hearing, if any. The United States has conferred with counsel for Defendants and Private Plaintiffs on this request, and Defendants do not oppose this motion and Private Plaintiffs consent to this motion.

### CONCLUSION

For the foregoing reasons, the Court should grant the United States' request for a four-day extension of time to file its reply in further support of its motion for a Preliminary Injunction and to file five additional pages, for a total of ten pages.

Dated: May 31, 2023

HENRY C. LEVENTIS  
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Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on May 31, 2023, a true and correct copy of the foregoing was served via the Court's CM/ECF system, if registered.

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s/ Gloria Yi

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